



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE  
DIRECTOR

September 29, 1992  
AO-92-26

Robert C. Autieri  
Methuen Democratic Town Committee  
22 Davis Road  
Methuen, MA 01844

Re: Public Building/Equal Access

Dear Mr. Autieri:

This letter is in response to your June 18, 1992, request for an advisory opinion regarding your conducting a debate in a public building. I apologize for the delay in my response.

You stated that the Methuen Democratic Town Committee ("Committee") would like to hold a debate solely for the five Democratic candidates running for Methuen State Representative. You also stated that the Committee intends to conduct the debate in the Methuen Public Grammar School. You ask whether the Committee may exclude all Republican, Independent, and unenrolled candidates, even though the debate will be held in a public building.

This Office addressed an analogous issue in a prior advisory opinion which considered whether a candidate's political committee may rent office space from a governmental facility. In that opinion, AO-89-01, the Office stated:

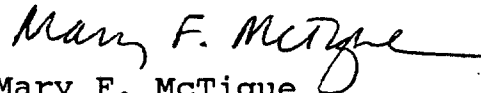
It is the opinion of this office, however, that the lease of office space by your committee from a governmental organization would be prohibited under M.G.L. c.55 as a governmental contribution for the purpose of your nomination or election unless such office space would be offered to any other member of the general public on the same terms offered to your political committee (emphasis added). See also AO-88-27.

Therefore, provided the Methuen Grammar School make its space available to the general public and other political groups on the same terms offered to the Methuen Democratic Town Committee, it is the opinion of this office that the proposed debate may occur as planned.<sup>1</sup> However, if the Committee were permitted to use the school while other groups were denied such access, the campaign finance law would be violated. See Anderson v. Boston, 376 Mass. 178 (1978).

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,



Mary F. McTigue  
Director

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1. The fact that certain candidates may be excluded from participation in the planned meeting is irrelevant provided space is made available on an equitable basis. Once space is made available a political group using the facilities has the right to control its agenda including, in this case, which candidate's are going to be invited to participate.